

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

GLORIA KERR	)	
	)	
	)	CIVIL ACTION NO.:
Plaintiff ,	)	
	)	3:15-cv-28-TCB
	)	
v.	)	
	)	
CHELSEA KERR RICHMOND	)	
	)	
	)	
Defendant .	)	

**AMENDED MOTION FOR EXPENSES OF RECEIVER**

COMES NOW, JAMES CLIFTON having been appointed receiver in the Case Number 15 V 17 WFS, Superior Court of Spalding County (the "Receiver") and hereby moves this Court for the statutory fee and an award of extraordinary expenses and fees incurred in acting as Receiver for Plaintiff's interests.

On February 16, 2016, this Honorable Court granted the undersigned Receiver leave of court to amend his prior motion seeking extraordinary expenses. Previously, on November 11, 2015, this Court declined to award fees and expenses from the property of Ms. Richmond in receivership. However, the Court pointed out that when a receivership is declared invalid, as in the instant case, the party provoking the receivership may be liable for the costs and fees incurred by the receiver. See *Tucker v. Baker*, 214 F.2d 627, 632 (5th Cir. 1954). Further,

O.C.G.A. §9-8-13(b) provides "In all cases where a receiver is appointed to take charge of the assets of any person, firm, or corporation, the court having jurisdiction thereof shall award to the receiver as full compensation for his services, out of the fund coming into his hands, not more than 8 percent of the first \$1,000.00, 4 percent of the excess up to \$5,000.00, 3 percent of the amount above \$5,000.00 and not exceeding \$10,000.00, and 2 percent of all sums over \$10,000.00." After diligently tracking down Ms. Richmond's assets, Mr. Clifton was able to take control of Seventy-Four Thousand Nine Hundred Eleven and 23/100 Dollars (\$74,911.23). Therefore, the statutory fee pursuant to O.C.G.A. §9-8-13(b) equals \$1,688.22 plus extraordinary expenses.

The Receiver has incurred extraordinary expenses in the amount of \$10,866.45 (Exhibit A) in exercising the duties of his Receiver appointment before this Court vacated the receivership as invalid and/or expired. I certify that I have received no compensation in connection with providing receivership services, nor have any fees and expenses in this Motion been duplicated on any other motion, other than the previously submitted motion which this motion amends. Receiver's arguments are set forth in the accompanying Brief in Support of Amended Motion for Extraordinary Expenses of Receiver. The Receiver respectfully requests an order GRANTING his Amended Motion for Expenses of the Receiver in the

amount of \$12,554.67 which includes a statutory fee of \$1,688.22 plus extraordinary expenses of \$10,866.45.

This 22nd day of AUGUST, 2016.

By: /s/ James Clifton

James W. Clifton  
Georgia Bar No. 065211  
Receiver

37 Calumet Parkway  
Building M, Suite 101  
Newnan, GA 30263  
Phone: (770) 828-7339  
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**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY THAT I have on this date sent a true and correct  
copy to the foregoing **Amended Motion for Expenses of Receiver:**

Mr. Jason Smith, Esq.  
Attorney for Gloria Kerr  
via ECF e-serve

Mr. Jeffrey Horst, Esq.  
Mr. Jonathon Hawkins, Esq.  
Mr. Michael Awni Boutros, Esq.  
Attorneys for Aaron and Chelsea Richmond  
via ECF e-serve

This 22nd day of AUGUST, 2016.

By: /s/ James Clifton  
James W. Clifton  
Georgia Bar No. 065211  
Receiver